

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LYNDA MARANINO, as Administrator of the Estate of
VILMA TROISE aka VILMA MARIE TROISE,

Plaintiff,

No. 22-CV-4816 (CS)

– against –

ORDER

CABRINI OF WESTCHESTER d/b/a ST. CABRINI
NURSING HOME, ABC CORPORATION, and
ABC PARTNERSHIP,

Defendants.

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Appearances:

Joseph Ciaccio
Napoli Shkolnik PLLC
Melville, New York
Counsel for Plaintiff

Fiachra P. Moody
Lori Rosen Semlies
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
White Plains, New York
Counsel for Defendants

Before the Court is Plaintiff's motion to remand this case to the Supreme Court of the State of New York, County of Westchester, (ECF No. 13), and Defendant's opposition thereto, (ECF Nos. 18-19).

The Court has reviewed the parties' submissions, as well as the submissions of the parties and the Opinion and Order of the Court in *Palma v. Cabrini of Westchester*, No. 22-CV-5430 (S.D.N.Y.). *Palma* involved the same Defendants, the same counsel on both sides, and the same claims in the state-court complaint. In litigating the Plaintiff's motions to remand, the *Palma*

parties addressed substantively identical issues and made substantively identical arguments as they do in this case.

I agree with Judge Briccetti's conclusions and reasoning in his August 15, 2022 Opinion and Order remanding *Palma*. See *Palma v. Cabrini of Westchester*, No. 22-CV-5430, 2022 WL 4240823 (S.D.N.Y. Aug. 15, 2022). *Palma* is consistent with the vast weight of authority in similar cases. See, e.g., *Druckman v. Morningside Acquisition I, LLC*, No. 22-CV-5324, 2022 WL 17336867, *2 (S.D.N.Y. Nov. 30, 2022) (collecting cases for propositions that "Federal district courts in New York have consistently remanded" cases in which "plaintiffs have brought COVID-19-related state-law tort claims against New York nursing home facilities in New York state court" and "[o]ther Circuits have similarly rejected the same removal arguments").

Accordingly, for the reasons explained in *Palma*, Plaintiff's motion to remand this case to state court is GRANTED. The Clerk is respectfully directed to terminate the pending motion, (ECF No. 13), and remand the case to the Supreme Court, Westchester County.

SO ORDERED.

Dated: November 10, 2021
White Plains, New York


CATHY SEIBEL, U.S.D.J.